

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. 2:22-cv-05367-RGK-MAA Date May 12, 2023

Title *Joshua Assiff v. County of Los Angeles et al*

Present: The Honorable R. GARY KLAUSNER, UNITED STATES DISTRICT JUDGE

H. Crawford for Joseph Remigio

Not Reported

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiff:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) Order Re: Defendants' Application to Continue Trial and Pretrial Deadlines [DE 43]

On December 14, 2022, Joshua Assiff ("Plaintiff") filed a First Amended Complaint ("FAC") against the County of Los Angeles (the "County") and Sheriff Deputy Badge Number 404532, who the County concedes is Sergeant Travis Kelly ("Sgt. Kelly") (collectively, "Defendants"). (ECF No. 27.) On April 7, 2023, the Court issued the following modified schedule:

- May 10, 2023: Discovery cut-off
- May 10, 2023: Expert disclosure deadline
- May 24, 2023: Motion cut-off
- June 9, 2023: ADR completion deadline
- July 10, 2023: Pre-trial conference
- July 25, 2023: Jury trial

(ECF No. 42.)

Shortly after the Court issued the modified schedule, Defendants' counsel learned that Sgt. Kelly was out on medical leave, making his cooperation in discovery difficult. After a month of back and forth in an unsuccessful attempt to get Plaintiff to agree to a limited remote deposition or a stipulation to continue trial dates, Defendants filed the instant Application to Continue Trial and Pretrial Deadlines on May 10, 2023, seeking to continue the schedule by approximately 90 days. (ECF No. 43.)

Plaintiff conditionally opposes the Application. Plaintiff argues that the Court should impose issue or evidentiary sanctions against Defendants, arguing that Defendants' failure to produce Sgt. Kelly for a deposition has prejudiced Plaintiff. Plaintiff further notes, however, that should the Court decline to impose sanctions at this time, it would then support Defendants' Application. The Court finds the

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imposition of sanctions inappropriate at this time on the current briefing. Having declined to impose sanctions, the Court treats Defendants' Application as unopposed.

Upon review of the Application, the Court finds that a further continuance is unwarranted. Neither party has shown good cause to support a continuance. Defendants' counsel were made aware of Sgt. Kelly's condition around April 7, 2023. They then promptly notified Plaintiff of this issue and discussed workarounds to no avail. Setting aside the disputed question of whether either party engaged in those discussions in good faith, the Court sees no reason why either party waited until May 10, 2023—over a month later and on the date of the discovery cut-off—to raise this issue to the Court's attention, be it by a request to continue, or by a request for sanctions. Both parties were aware of this issue well before the discovery deadline and should not have waited until the eleventh hour to inform the Court.

Accordingly, the Court **DENIES** Defendants' Application. If the parties so choose, they may informally agree to take depositions beyond the discovery cut-off date.

IT IS SO ORDERED.

Initials of Preparer

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